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T. C. Williams School of Law, University of Richmond: Torts II Exam, 25 May 1937

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T. C. WILLIAMS SCHOOL OF LAW
University of Richmond

TORTS II Examination

May 25, 1937.

Professor Muse

1. Albert, the driver of a heavy horse-drawn van, left his horses standing unhitched and unattended in a busy city street. Bert, a boy of ten, who was playing in the street, struck one of the horses with a stick, causing the team to run away. Cabot, a fireman off duty, seeing the horses and van running away, unsuccessfully tried to stop them and was seriously injured. Dora, standing inside of a department store looking through a large plate glass window, sees Cabot injured and the horses continue on their way. This causes excitement and anxiety on the part of Dora which two weeks later results in a miscarriage. What, if any, are the rights of Cabot? What, if any, are the rights of Dora?
2. The Automatic Voting Machine Corporation agreed with the city of Utica to set up voting machines to be used on election day. Creedon was a candidate for the office of assessor in this election. Due to the Corporation's negligent adjustment of three of these voting machines, the results of the election were improperly recorded, and Creedon was apparently defeated, although he actually was elected by a large plurality of the votes. Creedon obtained a judicial order to examine the machines and to rectify the mistake in the official canvass. His expenses in this contest of the election amounted to \$ 3000. What, if any, are Creedon's rights against The Automatic Voting Machine Corporation? (See 276 N.Y.Supp. 609; 20 Cornell L. Q. 526.)
3. Alert, to escape a murderous attack by Butcher, entered the grounds of Cole's country estate without Cole's permission, and there encountered a large Great Dane dog belonging to Cole. Alert was knocked down, severely injured, and rendered unconscious by the dog, but the dog did not bite Alert. The dog had severely bitten several people, as Cole knew. Cole, who saw the occurrence, left Alert lying on the ground where several hours later he was severely burned by a fire which Duff, Cole's servant, non-negligently allowed to get beyond his control while burning over a field. What, if any, are Alert's rights against Cole?
4. Atys negligently leaves a nearly emptied large box containing nine sticks of dynamite on the edge of a non-navigable stream running through his land. He should realize that the box might float against Boaz' fish weir which is made of stakes and substantially blocks the stream. The floating box would be likely to damage this, probably without exploding. Cama, a friend of Atys, sees the box and moves it six feet farther up the bank where it would not be affected by a normal rise of the stream. Two days later, however, an upstream dam bursts and the consequent flood carried the box down stream, over (not through) Boaz' weir to a bridge half a mile farther down also owned by Boaz. This the box strikes, and exploding, destroys it and injures David's house 400 yards away. What is Atys' liability?
5. Issac puts his horse into a field, failing to note that the gate from the field to the road is open. In the evening the horse leaves the field and enters the road where it runs in front of an unlicensed automobile driven by Jacob which breaks all four legs of the horse. Jacob is slightly wounded by the impact and leaves the horse where it is. Ten minutes later Esau, in another automobile, driving at 50 miles per hour, collides with the horse which he does not see and kills it instantly. Esau is hurt as a result of the collision. What are the rights and liabilities of the parties?

6. A statute of State X provides: "Every motor truck operated on the public highways of this State must be equipped with air-brakes sufficient to bring the truck to a full stop within 20 feet when proceeding at a speed of 30 miles per hour. Violation of this statute is punishable by a fine of not more than \$ 50 for each offense." Tinker, the owner of a motor truck, was operating it on a public highway of State X at night. Evers had parked his automobile at the edge of the highway, without lights and with his left wheels projecting three feet on to the paved part of the road, and was sitting in the automobile talking with Chance, a young woman whom he had invited to go riding with him. Tinker, who was proceeding at a rate of 30 miles per hour in the same direction as Ever's parked car was headed, saw Ever's car when 40 feet from it, and applied the air-brakes of the truck. Owing to defective adjustment by the manufacturer of the truck, of which Tinker was ignorant, the brakes failed to stop the truck, which crashed into Ever's car, injuring Tinker, Evers, and Chance. What are the rights and liabilities of each?

7. Ansull, an oil operator, transports nitroglycerine by motor trucks to his wells in oil-fields of State X, using for that purpose specially constructed trucks fitted with rubber compartments in which the explosive fluid is carried. A statute of State X provides: "No person shall transport fluid nitroglycerine over the public highways of this State except in properly constructed trucks, which shall be painted red and shall carry signs reading 'Danger -- Nitroglycerine -- High Explosive' on the front, rear, and each side thereof." Violation of the statute is made a misdemeanor. Ansull's trucks were constructed and maintained with the highest care, were painted bright red, and carried warning signs as required by the statute. While one of Ansull's trucks, driven by his employee Blow, was proceeding loaded with nitroglycerine at a speed of 8 miles per hour along a smooth, unfrequented public highway of State X, the nitroglycerine therein exploded from unknown causes, completely destroying the truck, killing Blow, and seriously injuring Cobb, who was operating a traction-engine weighing 15 tons along the highway in violation of a statute of State X providing that: "No vehicle weighing 12 gross tons or more shall be operated on any public highway of this State without a permit from the State Highway Commissioner, on penalty of a fine of \$ 25 for each offense." Cobb had no permit to operate the traction-engine on the highway. What, if any, are Cobb's rights against Ansull?

8. A, a newspaper columnist, conducts a radio broadcast every Sunday evening over the network of the X Broadcasting Company, being employed to do so by the advertising department of the Y Coffee Company. His broadcast is ordinarily written out by him and approved by the X Broadcasting Company before delivery. On May 20, 1937, A interpolated in his broadcast the following words which had not been contained in the manuscript for the broadcast approved by the X Broadcasting Company: "A little bird whispers, too, that M, the well-known man-about-town, will soon be anking alterward with Miss D, the fan-and bubble girl". M was at this time married to Mrs. M., although they had lived apart for some five years. Neither A nor anyone connected with the X Broadcasting Company know that M was married, and M had told A that he was not married. What, if any, are the rights of Mrs. M. against A and the X Broadcasting Company?